
Certification Policy

This booklet contains Idaho Real Estate License Law and Rules and established policies of the Idaho Real Estate Commission pertaining to education and exam requirements for license purposes, and the certification of real estate providers, instructors, and courses.

Revised September 2006

This Certification Policy supersedes all other revisions.

For Informational Use Only

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2005 Idaho Real Estate Commission. Costs associated with this publication are available from the Idaho Real Estate Commission in accordance with §60-202, i.e. December 2005/25/429.

*This booklet includes select Idaho **statute** (identified with statute numbers), **rules** (identified with rule numbers), and **policies** (identified in italics) that have been adopted by the Education Council and Commission regarding the certification of providers, instructors, and courses.*

GENERAL LICENSING INFORMATION (WITH EMPHASIS ON EDUCATION & EXAM)

54-2004. DEFINITIONS.

- (1) "Accredited college or university" means an institution accredited by the regional accrediting associations, as reported in the most current publication of the accredited institutions of postsecondary education.
- (11) "Commission core course" means, in reference to a real estate course offering, the course containing curriculum, identified by the commission, that stresses current trends in real estate practices and changes in laws in real estate related industries. A core course must contain no more than four (4) classroom hours of instruction.
- (12) "Continuing education elective course" means a real estate course offering, other than the commission core course, for which continuing education credit hours may be obtained as provided in section 54-2023, Idaho Code.
- (15) "Council" means the Idaho real estate education council.
- (18) "Distance learning course" means, in relation to a real estate course offering, a real estate course that is delivered, not as a live course, but through a medium in which the instructor and student are separated by distance or time.
- (27) "Live presentation" means, in reference to a real estate course offering, a real estate course that is personally presented by the instructor and personally attended by the student at the same facility.
- (31) "Provisional license" means an extension of the period of active licensure, beyond the licensee's expiration date, granted by the Commission for the purpose of allowing the licensee to complete the continuing education requirements set forth in section 54-2023, Idaho Code, or for any other purpose allowed by this chapter.
- (40) "Successfully completed" means, in reference to a real estate course offering, completing all required course hours and, except where the licensee seeks continuing education credit for having regularly attended the live presentation of a course, passing a Commission-approved final examination.

54-2008. ESTABLISHMENT OF IDAHO REAL ESTATE EDUCATION COUNCIL.

An Education Council consisting of six (6) members, four (4) of whom are to be appointed by the Idaho Real Estate Commission, plus one (1) Commissioner and the Commission's Executive Director, may be established to act as an advisory group to the Commission, and to perform functions as set forth in this chapter and in the Council's bylaws, which bylaws must be approved by the Commission. The Council shall recommend to the Commission real estate education policy and course content quality for all education courses approved by the Commission as meeting the education requirements of this chapter and its rules, and for such other courses or clinics deemed advisable by the Commission for promoting higher standards of practice in the real estate business. The Council will prepare for approval by the Commission any additional recommended procedures or guidelines for certifying educational courses, instructors and providers.

54-2009. COUNCIL APPOINTMENT, QUALIFICATIONS AND TERM.

One (1) member of the Council shall be named from each of the four (4) geographic districts of the state: north, south, east and west. The education director of the Commission shall serve as the Council executive at all Council meetings and functions. Each Education Council member shall be appointed for a term of four (4) years. The Commission may remove any Council member for neglect of duty, for incompetency, or for unprofessional, dishonorable or any other conduct which the Commission believes interferes with that person's ability to properly act or serve as a Council member.

54-2010. COMPENSATION.

Members of the Education Council are not employees of the state of Idaho, but shall be reimbursed expenses in the same manner as state employees in addition to a per diem allowance in the same amount as that received by the Commissioners for each day of approved service.

BYLAWS OF THE IDAHO REAL ESTATE EDUCATION COUNCIL

ARTICLE I. The Idaho Real Estate Education Council (IREEC) is charged with the responsibility of planning, coordinating, and directing a viable education program for all licensees in the State of Idaho. This responsibility shall include the development of required education for initial licensure at the sales associate and broker levels, continuing education for general professional development, and coordination of education programs for specialized development. The following functions are reflective of the Council member's duties:

- 1. Technical direction in regard to the development of standards of certification for education programs.*
- 2. Technical direction in regard to research, development and/or revision, and publication of education courses or materials.*

3. *Coordination, cooperation, and visitations with colleges, universities, private institutions, etc., for conducting real estate oriented courses and the auditing of such.*
4. *Technical direction in regard to the instructor development training programs.*
5. *Technical direction concerning the development of standardized course outlines, instructor guidelines, training aids, etc.*

ARTICLE 2. The Council shall cooperate and provide coordination with the public educational institutions and private schools for the conduct of industry oriented courses offered throughout the state. Additionally coordination shall be maintained with nationally sponsored and/or endorsed educational organizations presenting courses in or near our state. The primary purpose of the Council is to serve the Commission and the industry and comply with the law. Every effort will be made to establish open and effective lines of communication to all levels and areas of the industry.

ARTICLE 3. An administrative staff shall carry out the day-to-day workload of the Council. This staff is administratively aligned with and functions as a division of the Real Estate Commission.

ARTICLE 4. Selection criteria for appointees to the Idaho Real Estate Education Council shall include: 1) Appointees shall provide evidence of a reasonable degree of actual experience as a real estate licensee; 2) Appointees shall provide evidence of an involvement in real estate education in Idaho, and, 3) Appointees shall not serve in any capacity which may adversely affect the performance of the appointee's official duties nor create an appearance of impropriety. Appointees must avoid self-dealing in any decision made in their official capacity. Any appointee having a private interest in any discretionary matter shall not act, but shall withdraw himself or herself. (Rev. 7/01)

ARTICLE 5. Each of the four appointed members shall be appointed on a staggered basis for a term of at least four years - one new appointee each year. Replacements for such representatives shall be made concurrently with the dismissal date but in no case shall the appointments be made later than thirty days after such dismissal.

ARTICLE 6. A Chair and a Vice Chair shall be elected from within the Council membership and by the Council membership during its annual reorganization meeting. Officers shall be elected to serve for a term of one year, but may be reelected.

ARTICLE 7. In the event of temporary inability or disability of a member, the Chair of the Idaho Real Estate Commission may appoint a temporary active member to insure the probability of a quorum at all times.

ARTICLE 8. Regular attendance at meetings is essential for the smooth functioning of the Commission and administrative staff. Individuals are responsible for notifying the Chair in the event of unforeseen circumstances or emergency situations. Absence, even with prior notification, should be avoided. Notation as to the time members are absent for any portion of the Commission meeting is included in minutes so that an accurate record is available (if which members are present when votes are taken). Two absences within one year shall be considered grounds for possible dismissal by the Commission.

ARTICLE 9. It shall be the duty of the Chair to preside at all meetings of the Council. He/she shall have the power to call meetings of the Council at such time and place as he/she may direct. In the absence of the Chair or his/her inability to act, the Vice Chair shall possess all powers of the Chair.

ARTICLE 10. The Council shall hold an annual reorganization meeting in July or August of each year immediately following the reorganization of the Commission. Other meetings of the Council shall be at least quarterly.

ARTICLE 11. A quorum of members shall be required before any official action may be taken by the Council. A majority of members shall constitute a quorum.

54-2012. MINIMUM REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO LICENSE.

(1) Requirements for all individual primary licenses. Unless a qualification is waived or modified by the Commission for good cause and upon special consideration, and except as provided in section 54-2015, Idaho Code, each person seeking a primary Idaho real estate license as a salesperson, associate broker or designated broker shall meet all of the following minimum qualifications:

...

(c) Furnish satisfactory proof that the applicant graduated from an accredited high school or its equivalent or holds a certificate of general education;

...

(g) Complete all prelicense education requirements as provided for in section 54-2022, Idaho Code, for a salesperson's or broker's license;

(h) Pass the Commission-approved real estate licensing exam for a sales or broker license in the time and manner stated in section 54-2014, Idaho Code, and pay the required exam fees;

54-2014. LICENSE EXAMS.

(1) Exam required. Unless a written certificate of waiver is obtained from the Commission and submitted with the application, an individual applicant seeking a primary Idaho real estate license shall take and pass the national portion and the Idaho state portion of an approved exam administered by or through the Commission. The license applicant shall take and pass the required portion or portions of the exam within no more than twelve (12) months immediately preceding the date of the license application.

(2) Registration for the exam and exam fee. An individual shall register for the exam in a manner authorized by the Commission and shall pay at the time of registration the nonrefundable exam fee in an amount established by motion of the Commission, not to exceed one hundred dollars (\$100).

(3) Waiver of national portion of exam. An individual who has obtained a written certificate from the Commission waiving the national portion of the exam shall be required to take and pass the Idaho state portion of the exam only. The certificate of waiver and exam fee shall be submitted with the application for exam.

(5) Failure to appear for the exam or to pass the exam. An individual who fails to appear for the exam or to pass the exam may register to take another exam. The individual must register and submit a new exam fee.

(6) The Commission shall establish, by motion, fees for the exam which, in its discretion, are sufficient to raise the revenue required to administer the exam. Fees so established shall remain effective from year to year and may be altered only upon motion by the Commission.

You must achieve a passing score on each part of the exam within one year of applying for license. For example: if you passed one part of the exam (either National or Idaho) on January 11, and then passed the other part on August 1, you would have one year from January 11 to apply for your license. (Rev 5/00)

54-2015. INDIVIDUALS ACTIVELY LICENSED IN ANOTHER STATE OR JURISDICTION SEEKING PRIMARY IDAHO LICENSURE.

(1) An individual who is currently and actively licensed as a real estate broker or salesperson in another state or jurisdiction at the time of application for a primary Idaho real estate license shall meet all qualifications listed in section 54-2012, Idaho Code, for the type of license sought, except that the applicant shall not be required to furnish proof of the educational prerequisites described in subsection (1)(g) of section 54-2012, Idaho Code; provided however, an individual applying to be licensed as a designated broker of a business entity or sole proprietorship or as a branch office manager of a licensed branch office, shall comply with the requirements of section 54-2016, Idaho Code. In addition, such applicant shall provide a current, certified license history from the other licensing state or jurisdiction, which history shall indicate any disciplinary action taken against the applicant's license by the other licensing state or jurisdiction, and the status and standing of the applicant's license in the other state or jurisdiction.

(2) An individual who holds an active license in good standing in another state or jurisdiction may, upon written request to the Commission, obtain a certificate of waiver of the national portion of the exam required for Idaho licensure. A request for waiver shall indicate the individual's mailing address to which the Commission is to deliver the certificate of waiver. The certificate of waiver shall be submitted with the application for exam as provided in subsection (4) of section 54-2014, Idaho Code.

(3) An individual who is currently and actively licensed in another state or jurisdiction that administers a real estate exam may be issued a primary Idaho license without further exam or proof of educational prerequisites pursuant to written agreement between Idaho and the other state or jurisdiction, provided that such other state or jurisdiction allows the issuance of real estate licenses in substantially the same manner as set forth in this subsection; provided however, an individual applying to be licensed as a designated broker of a business entity or sole proprietorship, or as a branch office manager of a licensed branch office, shall comply with the requirements of section 54-2016, Idaho Code, notwithstanding the terms of the agreement.

54-2018. LICENSE RENEWALS-INACTIVE LICENSES STATUS-PERSONAL CHANGE EFFECTIVE DATES - FEES NONREFUNDABLE.

(1) Initial license period. Each new license shall be for a period of one (1) year plus the months up to and including the next birth date of the licensee, not to exceed a period of two (2) years, and shall expire on the last day of the month of the birth date of the licensee. Corporations, partnerships, limited liability companies and other entities defined as "persons" in this chapter shall have established as the equivalent of a birth date, the birth date of its designated broker. Licensed branch offices shall have established as the equivalent of a birth date, the birth date of the designated broker for the branch office.

(2) License renewal. Each license shall be renewable for a period of two (2) years by timely submitting a completed application. Applications must be received at the Commission office on or before 5 p.m. of the expiration date.

(a) If renewing an active license, the application shall include:

(i) Certification that the applicant has met the Commission's continuing education requirements as set forth in section 54-2023, Idaho Code;

...

(4) Active and inactive license status... A licensee may reactivate an inactive license by meeting each of the following:

...

(e) Successfully completing any continuing education requirements, as prescribed in section 54-2023, Idaho Code, and certifying the same for the current license period.

(5) Continuing education. A licensee shall not submit an application to renew a license on active status or to activate an inactive license without having obtained the continuing education credit hours required by section 54-2023, Idaho Code. A licensee who violates this subsection (5) shall be subject to disciplinary action by the Commission.

(6) Time required. The Commission may request satisfactory proof of continuing education compliance from any licensee who has certified to the Commission that he has completed the requirement. The request shall state the time within which the proof must be received at the Commission office, which time shall not be less than ten (10) business days.

(7) Satisfactory proof. Upon request from the Commission, the licensee shall submit satisfactory proof of having met the continuing education requirement set forth in section 54-2023, Idaho Code. "Satisfactory proof" shall, for each course, consist of documentation:

(a) Identifying the licensee, the title of the course or challenge exam, the course certification number, the course provider, the number of classroom hours, the completion date of the course or challenge exam, and including:

- (i) A transcript of the course taken;
- (ii) A letter from the provider verifying successful completion of the course; or
- (iii) A course completion certificate; and

(b) Identifying the course certification approval number to establish that the course is approved for continuing education credit as provided by section 54-2023, Idaho Code. The Commission may, in its sole discretion, accept alternative documentation establishing that the course is approved for credit.

(8) Failure to submit proof. A licensee failing to submit satisfactory proof of completing the continuing education requirement after being requested to do so by the Commission may have his license inactivated by the Commission and shall not be entitled to reactivate the license unless and until he provides to the Commission satisfactory proof that he meets the continuing education requirements of section 54-2023, Idaho Code. Nothing in this section shall limit the ability of the Commission to investigate or discipline a licensee for violating subsection (5) of this section or for violating any other section of this chapter.

Reactivation: Any licensee whose license has been inactivated for failure to comply with these rules shall be entitled to activate said license, relating back to and including the date of activation, provided that, within 30 days of the date of inactivation, the licensee files with the Commission satisfactory proof showing that the licensee had in fact met the continuing education requirement for the issuance of the license, as stated in his certificate, and has submitted required documents and fees to activate said license. In the event the proof submitted shows that the continuing education credits were not obtained until after the date of activation or renewal, the license may be activated, but the effective date of the activation shall not precede the date such proof is received by the Commission. Nothing herein shall prevent the Commission from seeking or imposing disciplinary action for the submission of a false application. (Eff. 1/16/03)

54-2020. FEES.

The Idaho Real Estate Commission shall establish fees which, in its discretion, are sufficient, when added to the other fees authorized by this chapter, or any other law or rule, to raise that revenue' required to administer the provisions of this chapter. The Commission shall assess the following fees, in addition to any other fees established in this chapter or by rule:

(2) A tuition or registration fee for real estate education courses, course materials and any course exam fee. These fees shall be established based upon the total annual costs involved in the provision of all real estate education courses, course materials and course exam fees;

***Refund Policy.** If written notification of registration cancellation is received in the office of Commission at least five working days before the course commencement date, the registration fee, less cost of materials received, may be refunded. No refund will be made due to non-attendance. In the unlikely event any course is cancelled due to insufficient interest, a full refund will be made to all registrants.*

(5) A fee in the amount allowed by law for insufficient funds checks or other types of insufficient payment;

(6) A fee in the amount of ten dollars (\$10.00) for the compilation of each certified copy of a licensee's education history or license history;

54-2022. REAL ESTATE EDUCATION-PRELICENSE REQUIREMENTS.

(1) Except as provided in section 54-2015, Idaho Code, an applicant seeking a primary Idaho license as a real estate salesperson, broker or associate broker shall furnish satisfactory proof to the Commission that the applicant has successfully completed current Commission-approved and accredited courses of real estate study as follows:

(a) Salesperson's license. For a salesperson's license, the applicant shall complete a total of ninety (90) classroom hours, or the equivalent in available correspondence hours;

(b) Broker's or associate broker's license. Applicants seeking a broker's or associate broker's license shall, in addition to meeting the requirements for a salesperson's license, successfully complete four (4) specified courses in advanced real estate study, for a minimum of ninety (90) additional classroom hours, or the equivalent in available correspondence hours.

(2) Each applicant shall successfully complete all prelicense real estate courses within no more than five (5) years prior to the date of the license application. However, upon written request for special consideration by the license applicant, the Commission may waive or modify the five-year requirement at its discretion, based on the applicant's experience or additional education. Each waiver request shall be submitted with a current certified license history from Idaho or the applicant's other licensing jurisdiction, which history shall indicate all disciplinary actions taken against the applicant's license and the status and standing of such license in such licensing state or jurisdiction, along with sufficient proof of education completion.

(3) To receive credit for prelicense real estate courses, a student must regularly attend and complete the course, and such course must meet all requirements set forth in section 54-2036, Idaho Code.

(4) No credit will be given for courses taken for audit.

(5) Credit for completion of approved prelicense education course work will not be granted when the content of a course repeats that for which credit has been previously received.

(6) Upon written request from a license applicant, the Commission may waive or modify one (1) or more prelicense course

requirements based upon the applicant's satisfactory completion of similar real estate courses in Idaho or another state or jurisdiction. The request for waiver shall be accompanied by an official transcript from the institution that provided the course of instruction, along with a description of the subjects covered in the course and the number of classroom hours involved in the instruction. "Satisfactory completion" means the applicant regularly attended the course and received a final grade of "C" or better.

*Current **Broker** required courses:*

Real Estate Brokerage Management

Real Estate Law

2 elective courses selected from the following approved list:

GRI Areas of Real Estate Specialization 1 and 2

CRS, CRB, CCIM Designation Courses

Fundamentals of Alternative Real Estate Finance

Real Estate Finance

Valuation and Analysis

Introduction to Income Property Appraisal

*Current **Salesperson** required courses:*

Sales Prelicense Module 1

Sales Prelicense Module 2

Students are required to take Sales Prelicense Module 1 prior to beginning Sales Prelicense Module 2, except that the Commission may grant a written waiver on a student-by-student basis, for good cause shown, which should include the approval of the school or instructor teaching the Module 2 course,

A law degree from an accredited law school satisfies the Sales Prelicense Module 1 requirement (for a salespersons license) and/or will satisfy the Real Estate Law course requirement and the "2 elective courses" requirement (for a brokers license), if the law degree was obtained within the five years preceding the date of application. If the law degree was obtained more than five years ago, these course requirements will be met only upon successful completion of the current final course exams for such courses. An applicant possessing a law degree and currently practicing law may satisfy the Sales Prelicense Module 2 by successfully completing the current final course exam for that course.

Successful completion of the GRI Designation will qualify as fulfilling the Real Estate Law course requirement and the two elective requirements (which include the Real Estate Finance course and the GRI Module I and II courses). REALTOR® institute courses completed out of state might not qualify.

National level courses consisting of at least 20 classroom hours and offered by a National Institute, as referenced in section 54-2023 5(e)(i) Idaho Code, may be accepted as satisfying one of the four broker courses if/ it does not duplicate the subject matter covered by any of the other three courses.

ATTENDANCE POLICY

Regular attendance means 100% attendance at all sessions of a prelicense or continuing education (CE) course.

***Make-Up Work for Prelicense Courses:** If a student misses a portion of a class, makeup work is allowed only at the discretion of the instructor to satisfy the attendance requirement. A student may complete makeup work if he or she misses no more than 10% of the scheduled in-class instruction time. A student who misses more than 10% of the course should be dropped from the class. All makeup work must be completed within 30 days of the last day of the course, and the student is not eligible to take the final course exam until all makeup is completed. Makeup work may consist of attendance in the corresponding class sessions in a subsequent offering of the same course, the supervised presentation by audio or video recording of the class sessions missed, or any other assignment deemed appropriate by the instructor.*

For a salesperson's license, the applicant will complete 90 hours. For a broker's license, the applicant will complete four specified courses in advance real estate for a minimum of ninety additional hours. To receive credit for prelicense courses, a student must regularly attend and complete the course (54-2022). Exam time is NOT included as approved classroom hours of instruction (54-2036(2)(c)).

***Make-Up Work for CE Courses:** Makeup work is not allowed, except for attendance in the corresponding class session in a subsequent offering of the same course, and only at the discretion of the instructor. Consequently, CE providers are compelled to impose stringent attendance standards, and may not award CE credit to a student who missed any portion (even a matter of minutes) of a CE class, unless the student successfully completes the required hours in a subsequent course offering, or completes the challenge*

CE exam if available. CE providers are charged with the responsibility of enforcing the attendance standard, and have developed various procedures for handling this issue. The Commission obligates providers to take a strict approach.

***REQUIRED NOTICE:** Providers and instructors of prelicense and continuing education courses approved in Idaho are required to include this "Attendance Policy" in each approved student course outline for all prelicense and continuing education courses.*

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54-2023. CONTINUING EDUCATION REQUIREMENTS.

Each licensee applying to renew an Idaho real estate license on active status, and each Idaho licensee applying to change from inactive to active license status, shall successfully complete a Commission core course, plus the required number of classroom hours of Commission-approved or certified continuing education coursework as provided in this section.

- (1) Required number of classroom hours. The required number of classroom hours is as follows:
 - (a) Renewing license on active status... A licensee renewing on active status ... must successfully complete a Commission core course, plus sixteen (16) classroom hours of continuing education on or before the current license expiration date.
 - (b) Change from inactive to active. Unless the licensee is within the initial licensing period licensee changing from inactive to active license status shall complete a Commission core course, plus sixteen (16) classroom hours of continuing education, before he can change to active license status... If the inactive licensee is within his initial licensing period, no continuing education is required to change to active license status.
- (2) No duplicate credit. No licensee may obtain continuing education credit for completing:
 - (a) Any core course curriculum for which he has previously received continuing education credit; or
 - (b) Any course curriculum for which he has received continuing education credit in the same license period.
- (3) Excess credits. The classroom hours shall apply to the license period in which such course is completed; hours completed in excess of those required for the license period shall not accumulate or be credited for the purposes of subsequent license renewal periods.
- (4) Commission-ordered education. No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.
- (5) Obtaining continuing education classroom hours. In order to obtain continuing education classroom hours, a licensee may:
 - (a) Successfully complete a Commission-approved continuing education course;
 - (b) Successfully complete a Commission-approved continuing education challenge exam;
 - (c) Attend an entire regularly-scheduled meeting of the Commission. The licensee shall provide at least seven (7) days' advance notice to the education section of the Commission of his intent to attend the meeting. Failure to provide advance notice shall result in no continuing education hours being credited. A maximum of three (3) hours for this activity shall be credited for anyone (1) meeting in anyone (1) license period;
 - (d) Successfully complete a Commission-approved broker prelicense course, or a Commission-approved continuing education challenge exam, in advanced real estate study. Continuing education credit may be obtained for retaking the same broker prelicense course or challenge exam only if completed after five (5) years of completing the previous course or challenge exam; or
 - (e) Provide to the Commission a transcript or course completion certificate of successful completion of any of the following courses, without Commission pre-approval of the curriculum, instructors or providers:
 - (i) Professional designation courses. Any course developed by national professional organizations that are required in order to earn professional designations from a national organization in specialized areas of licensed real estate practice;
 - (ii) Courses accredited by another profession or jurisdiction. Any course approved by and offered in satisfaction of another professional or occupational licensing authority's education requirements, if the course is within the approved topic areas established by the Commission; or
 - (iii) Courses offered by an accredited college or university. Any course offered in satisfaction of a degree requirement by an accredited college or university if the course is within the approved topic areas established by the Commission.
 - (f) If a certified course instructor, teach a live course for which continuing education credit may be obtained. Credits shall be granted for the number of classroom hours taught.
- (6) Licensee duty to keep satisfactory proof. The licensee shall keep satisfactory proof of having completed the continuing education requirement and shall submit such proof at the request of the Commission as provided in section 54-2018, Idaho Code.
- (7) Provisional license - Extension of time. A three-month extension of time for completing the education requirements may be obtained by submitting with the renewal application, or application to activate, satisfactory evidence showing that the applicant was unable to comply with such education requirements. Such evidence shall be:
 - (a) Bona fide hardship preventing completion of the reinstatement requirements of an inactive license;
 - (b) Health reasons preventing attendance or completion;
 - (c) Active duty in the military service with assignment to a permanent duty station outside of the state during the last twelve (12) months of a license period; or
 - (d) Other compelling cause beyond the control of the applicant while engaged in the real estate business. If such an extension is granted, the licensee shall receive a provisional license for a period of time not to exceed three (3) months. No further extension of time may be granted. A license issued or renewed after an extension of time has been granted shall retain the original license expiration date. Failure to satisfy the continuing education requirement within the time granted shall result in the automatic inactivation of the license.

402. APPROVED TOPICS FOR CONTINUING EDUCATION.

01. Topics approved by the Commission. Approved topic areas for continuing education, as provided for in sections 54-2023 and 54-2036, Idaho Code, include the following:

- a. Real Estate Ethics;
- b. Legislative issues that influence real estate practice;

- c. Real estate law; contract law; agency; real estate licensing law and administrative rules;
- d. Fair housing; affirmative marketing; Americans with Disabilities Act;
- e. Real estate financing, including mortgages and other financing techniques;
- f. Real estate market measurement and evaluation;
- g. Land use planning and zoning; land development; construction; energy conservation in building;
- h. Real estate investment;
- i. Accounting and taxation as applied to real property;
- j. Real estate appraising;
- k. Real estate marketing procedures related specifically to actual real estate knowledge;
- l. Real estate inspections;
- m. Property management;
- n. Timeshares, condominiums and cooperatives;
- o. Real estate environmental issues and hazards, including lead-based paint, underground storage tanks, radon, etc. and how they affect the practice of real estate;
- p. Water rights;
- q. Brokerage office management and supervision; and
- r. Use of calculators or computers as applied to the practice of real estate.
- s. Use of technology as related to the practice of real estate
- t. Licensee safety
- u. Commercial real estate topics
- v. Tenants in common
- w. Mobile/manufactured homes
- x. Green market
- y. Senior market
- z. Negotiation skills
- aa. Communication skills
- bb. Resort and recreation topics
- cc. Farm and ranch topics
- dd. Timber and mining topics
- ee. Professionalism
- ff. Business success

02. Other topics. Upon written request, the Commission may also approve any other topic that directly relates to real estate brokerage practice and that directly contributes to the accomplishment of the primary purpose of continuing education, which is to help assure that licensees possess the knowledge, skills, and competency necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course must enable licensees to better serve real estate consumers.

03. Topics not eligible for continuing education credits. The following activities shall not be eligible for approval for compliance with the continuing education requirement: those which are specifically exam preparation in nature; those which are held in conjunction with a brokerage firm's sales promotion or sales meetings; those which are held by trade organizations for licensee's orientation.

CERTIFICATION OF PROVIDERS, INSTRUCTORS, AND COURSES

54-2024. PURPOSE OF CERTIFICATION.

It is the intent of this chapter that delivery of high quality real estate education to licensees and to those seeking to become licensed in the state of Idaho is a necessary and reasonable way to protect the citizens, businesses and public interests in Idaho. Therefore, the Commission shall create and maintain a certification program for real estate education providers, instructors and course content.

54-2025. CERTIFICATION REQUIREMENTS.

(1) Certification required. Certification must be obtained by all course providers, instructors teaching any course other than a continuing education elective course, and for all course content in order for the course to be credited toward prelicense or continuing education requirements in Idaho under this chapter.

(2) Courses, instructors and providers monitored. The Commission or its representative may monitor any course for the purpose of course, instructor or provider certification.

(3) If the Commission at any time determines that an instructor, course or provider is not meeting the requirements for continued Commission approval or certification, written notification detailing the deficiencies requiring correction shall be made immediately to the appropriate person. The Commission shall take no action to withdraw the certification for thirty (30) days from the date of the written notice. At the expiration of this period, if the deficiencies have not been corrected to the Commission's satisfaction, the Commission may take action to withdraw certification. Withdrawal of certification shall be governed by the Idaho administrative

procedure act, chapter 52, title 67, Idaho Code, and the rules of the Commission.

There is a 6-month limit to the certification process. If not completed within that time frame, a new application, attachments, and fees will need to be submitted.

54-2026. CERTIFICATION OF COURSE PROVIDERS.

(1) Degree-granting institutions. Degree-granting, accredited colleges and universities in any state or jurisdiction shall be deemed to be approved course providers in Idaho. However, course content must still be approved for the real estate education course to receive credit toward prelicense or continuing education licensing requirements in Idaho.

(2) Other course providers. All other course providers desiring to offer real estate courses for credit toward Idaho prelicense or continuing education requirements must first meet the following qualifications and receive certification. Each applicant seeking certification as a course provider shall comply with the following:

(a) File an application for certification in the form and manner required by the Commission, along with proper fees, at least two (2) months prior to contemplated date of opening or first accredited course offering;

(b) Designate a "director" or "individual in charge," who shall be responsible for the course provider's operation and its real estate courses, and with whom the Commission may communicate. Unless this requirement is waived upon special review of the Commission in the manner stated below, the individual in charge must not have had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons or have been refused a renewal of a license issued by the state of Idaho or any other state or jurisdiction. The designated individual in charge must not have been convicted, issued any fine, placed on probation, received a withheld judgment, or completed any sentence of confinement for or on account of any felony or a misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing in a court of proper jurisdiction. The failure of the provider to have in place a designated individual meeting the qualifications required by this subsection shall be grounds for the Commission to withdraw or cancel the provider's certificate as provided in section 54-2025(3), Idaho Code.

(c) File a properly executed "Irrevocable Consent to Service of Process" in the manner and form prescribed by the Commission and in substantial accordance with section 54-2012(1)U, Idaho Code. The Commission, in its discretion, may make such additional investigation and inquiry relative to the applicant for provider certification as it deems advisable and, if good cause exists, may deny or accept the application for certification.

54-2027. DUTIES AND REQUIREMENTS OF ALL CERTIFIED COURSE PROVIDERS.

Failure of a certified course provider to comply with the following duties and requirements shall be grounds for the Commission to withdraw or cancel the provider's certification for cause.

(1) Discrimination prohibited. Each certified course provider shall at all times be in compliance with state and federal laws, rules and regulations regarding all aspects of equal opportunity and protection of civil rights. No course provider shall engage in discriminatory practices, nor allow their course instructor, or method of delivery to violate laws prohibiting discrimination. Each course provider will fully comply with any requirements of the Americans with disabilities act regarding access to and delivery of its courses, including the provision of accessible facilities and reasonable accommodations for students.

(2) Open access to course offerings. Registration and attendance at all certified courses offered for prelicense or continuing education credit shall be open to all persons meeting normal course prerequisites; provided however, a certified course provider located in or affiliated with a licensed real estate brokerage company or professional association may refuse access to any licensee or unlicensed person based on that licensee's or unlicensed person's affiliation with another organization or brokerage company, or the licensee's or unlicensed person's membership status in any professional organization unless such course provider has received financial support from the Commission for its particular course offering. Nothing in this section shall restrict a course provider from charging a separate and reasonable course fee to nonaffiliated or nonmember licensees or unlicensed persons.

(3) Disclosure of fees. All fees charged to a student by a course provider shall be specified separately in writing. If additional fees are charged for supplies, materials or books required for coursework, such fees shall be itemized by the provider and, upon payment of such fees, the supplies, materials or books shall become the property of the student. All fees and the manner in which they are to be paid shall be stated in a student contract, in a form approved by the Commission. The student contract shall expressly include the provider's policy regarding the return of fees in the instance where the student is dismissed or voluntarily withdraws from the course.

If an instructor requires the purchase of a textbook(s) for a course, then the use of that textbook needs to be incorporated into the curriculum and utilized by students.

(4) Facilities and supportive personnel. The provider shall provide the facilities and all supportive qualified personnel or approved proctors necessary to adequately implement its real estate program.

The premises, equipment, and facilities of the school should comply with all city, state, and federal regulations, such as, but not limited to fire, building, occupancy, zoning, Americans with Disabilities Acts and public health codes. (Rev. 6/2006)

(5) Student records and other requirements. Each Idaho certified course provider shall comply with the following requirements:

(a) Records. Maintain for each individual student a complete, accurate and detailed record which shall include the total number of hours of instruction undertaken and satisfactorily or unsatisfactorily completed in the area of study;

Including: name, address, telephone number, and email address of school; name, address, and telephone number of student; beginning and ending dates of attendance; date and student signature of registration agreement; clock hours completed, i.e. sign-in sheet or attendance sheet; course/exam results.

(b) Course completion lists. Within five (5) working days after conclusion of each course of instruction, the provider shall submit to the Council or Commission an alphabetical list which shall include the names, addresses and social security numbers or, if licensed, the license numbers, of the students completing the course of instruction, the name of the course, the name of the instructor, the number of hours included in the course, the date of the course and the location. The list shall be certified by the instructor from whom the students received instruction and an authorized representative of the provider;

Idaho statute grants Providers limited authority to obtain from students certain information that is regarded as confidential; namely: the students' personal addresses and in some cases, social security numbers. The Course Provider is permitted to disclose this confidential information only to the Council or Commission, and then only as information included in the Course Completion list. Every provider must take precautionary measures to ensure that no student's confidentiality is disclosed, even inadvertently, to any other person. Therefore, any course provider that obtains confidential information must establish a policy and procedure for collecting and keeping of confidential information that safeguards against disclosure.

It remains the responsibility of the Provider to ensure that the confidential information is not disseminated or used for purposes other than the creation and submission of a Course Completion list.

A student's confidential information should never be displayed on a sign in sheet.

Use of License Numbers instead of Social Security Numbers.

A student's real estate license number is not confidential information. A student who is already licensed in Idaho must be permitted to use his or her license number instead of social security number. However, Prelicense students generally will not yet have an Idaho license, and therefore social security numbers will have to be used for Course Completion Lists. It is understood that a Course Instructor, or other employee or agent of the Provider, may properly have access to a students' confidential information, for example, in the collection or submission of the required information. However, reasonable measures must be taken to protect the confidentiality of such information. Providers may wish to execute confidentiality agreements with their students.

(c) Grades. The provider will provide written notification to students who successfully or unsuccessfully complete a course within thirty (30) days of the course completion date;

(d) Evaluations. Upon the conclusion of each course, the provider shall collect written evaluations from students for the course and instructor using an evaluation form approved by the Commission provided:

- (i) For each prelicense course, the provider shall promptly submit the collected student written evaluations to the Commission; and
- (ii) For each continuing education course, the provider shall keep such evaluations for a period of one (1) year from the course completion date. Upon written request from the Commission, the provider shall submit a written summary of the student evaluations for the course and instructor using a form approved by the Commission.

Instructors should not be present in the classroom during the time that the students are completing evaluation forms. Instructors should direct the students to complete the forms during the instructor's absence. Before leaving the room, the instructor should provide one large manila-type envelope with instructions that students place their completed evaluation forms in the envelope provided. The last student to place a form in the envelope should then seal the envelope and return it, sealed, to the instructor or to the school official. Evaluations for all Prelicense courses and for the Commission Core course are to be returned sealed to the Commission office for compilation. Each instructor and school will receive copies from the Commission of the compiled Evaluations for these courses. Evaluations for all CE elective courses are not sent to the Commission, but are to be retained by the provider for one year. The provider is encouraged to use the Evaluations of the CE elective courses in assessing the quality those courses and instructors, but providers are not required to compile the results unless and until the Commission requests such a compilation in writing.

(e) Course schedules. Each provider shall submit schedules of courses and instructors as requested by the Commission and submit changes promptly as they occur. Whenever there is a change in a course including, but not limited to, a change in curriculum, course length or instructor, the provider shall promptly notify the Commission in writing of the change.

(6) Instructor certification not required for continuing education elective courses. A certified provider may offer a continuing education elective course without obtaining approval or certification for the course instructor; provided however, the provider shall maintain resumes or other biographical information that documents the qualifications of the instructor to teach the continuing education elective course.

(7) Posting and recording fees. The Commission may require that course providers pay to the Commission a nonrefundable posting and recording fee to defray normal expenses incurred in maintaining the certificate program. The fee amount shall be established by the Commission by motion.

Certification program fees are established by motion of the Commission as listed below. State institutions also certified by the State Board of Education and full-time college or university instructors are exempt from these fees.

Provider: \$75 to file an application for certification (covers first two-year period)

\$50 two year certification renewal

Instructor: \$50 to file an application for certification (covers first two-year period)

\$25 two year certification renewal

Course: \$50 to file an application for non IREC-standard courses (covers first two-year period)

\$25 two year certification renewal

(8) Advertising restrictions:

All course advertisements must contain the Commission's course approval number;

(a) Providers may advertise that they are currently certified by the Commission, if current certification has been approved, but no such advertising may state or imply that the provider is an agency of the Commission or the Council;

(b) No course provider shall provide any information to the public or to prospective students which is misleading in nature. Information is misleading when, taken as a whole, there is distinct probability that it will deceive the persons whom it is intended to influence.

(9) Changes in certification. Certification shall be granted to the particular provider for the specific ownership, provider location, and named individual in charge as designated in the application for certification. Any changes in ownership, provider location, or provider name, or named individual in charge must be submitted for approval to the Commission, at least one (1) month in advance of the effective date of the proposed changes.

54-2028. TERM OF PROVIDER CERTIFICATION AND RENEWAL.

Each course provider's certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the provider certificate. In order to maintain certification, each provider must return a properly completed renewal application on a form provided by the Commission, along with all necessary attachments and renewal fees to the Commission office prior to the expiration date for Commission approval. Recertification is not effective until the Commission has formally approved the application for renewal. Failure to obtain approved renewal of certification prior to its expiration date will result in no credit being given for courses not yet successfully completed by the expiration date.

54-2029. NOTICE OF POTENTIAL EXPIRATION OF CERTIFICATION.

Certified providers who have not applied for renewal of certification or whose renewal applications do not meet the qualifications for renewal of certification shall be notified by the Commission of potential termination at least fifteen (15) days before termination occurs.

54-2030. EXPIRATION OR WITHDRAWAL OF PROVIDER CERTIFICATION-NOTICE TO STUDENTS.

If a provider's certification expires, is terminated or withdrawn for any reason, the provider will no longer be approved by the Commission, and no credit will be given to students for any courses starting after the expiration date. A provider whose certification has expired, been terminated or withdrawn for any reason, shall immediately notify every present or future student in writing that it is not a certified provider of approved real estate courses in Idaho, and that no credit for prelicense or continuing education will be given for its courses.

54-2031. WITHDRAWAL OF IDAHO CERTIFICATION FOR CAUSE-PROCESS.

The Commission may withdraw a provider's certification at any time, for cause, including the violation of any provision of this chapter by the provider or those for whom the provider is responsible. Any withdrawal of certification shall be governed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, the Rules of Practice and Procedure of the Idaho Real Estate Commission, this chapter and all laws of the state of Idaho.

54-2032. CERTIFICATION OF INSTRUCTORS.

All individuals wishing to teach real estate courses for credit toward prelicense or the Commission Core continuing education course requirements in Idaho must first be approved or certified by the Commission for each course the individual wishes to teach.

54-2033. INSTRUCTOR QUALIFICATIONS.

(1) Qualified instructors at degree-granting institutions. A qualified or full-time instructor or professor of an accredited college or university in any state or jurisdiction and who teaches real estate related courses is deemed to be an approved instructor of such courses, in Idaho, for the purposes of this chapter. .

(2) Other instructor applicants. All other individuals wishing to teach real estate courses for credit toward Idaho prelicense requirements, including the business conduct and office operations, or the Commission continuing education core course requirements must first meet the following additional qualifications and receive separate certification for each course to be taught:

(a) Unless this requirement is waived upon special review of the Commission in the manner stated below, no individual instructor

seeking certification may have had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons or has been refused a renewal of a license issued by the state of Idaho or any other state or jurisdiction. Further, the individual may not have been convicted, issued any fine, placed on probation, received a withheld judgment, or completed any sentence of confinement for or on account of any felony, or any misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing, in a court of proper jurisdiction. The failure of a certified instructor to maintain the qualifications required by this subsection shall be grounds for the Commission to withdraw or cancel the instructor's certificate as provided in section 54-2025(3), Idaho Code.

(b) Each applicant for certification shall also:

(i) Submit a completed application for instructor certification in the form and manner required by the Commission, with all required fees;

(ii) File an executed "Irrevocable Consent to Service of Process" in the manner and form prescribed by the Commission and according to section 54-2012(1)(i), Idaho Code;

(iii) Qualify as at least one (1) of the following:

1. An attorney at law actively licensed in any state or jurisdiction with at least five (5) years of active practice in the areas of study proposed to be taught, and who has also successfully completed a Commission-approved instructor training course or procedure, including an assistant teaching period;

2. An individual currently approved or certified and in good standing as a real estate instructor for the same or similar course material in any other state or jurisdiction;

3. An individual who is appointed to teach a nationally recognized real estate course which is generally accepted in other states or jurisdictions; or

An individual who has completed the professional designation, Distinguished Real Estate Instructor (DREI) designation from the Real Estate Educator's Association (REEA). (Rev. 7/02)

4. An individual with at least five (5) years active real estate-related experience who has also successfully completed a Commission-approved instructor training procedure, including an assistant teaching period.

Instructor training procedure for pre-license courses:

1. In considering whether a person could reasonably be expected to train or prepare the average student in a particular subject, the following factors, in addition to the minimum standard as set forth in the law will be considered. These factors have been established based on the normal and usual training and experience prevailing in a particular subject. **The Commission will review special consideration requests made in writing based upon educational background and experience.**

Salesperson Prelicense (Module 1 & 2) Courses: Applicant should have at least 5 years active real estate experience.

Broker Prelicense Course-Brokerage Management: Applicant should have an active broker's license and at least 5 years active real estate experience.

Broker Prelicense Course-Law: Applicant should be an active practicing attorney.

Broker Prelicense Course-Finance: Applicant should have at least 5 years active experience in real estate and/or finance.

Broker Prelicense Course-Valuation & Analysis: Applicant should be actively practicing as a state licensed or certified appraiser.

Broker Prelicense Course-Other: Applicant should have at least 5 years specialized experience in the desired topic, such as investment, taxation, etc.

**If courses are not already approved by the Idaho Real Estate Commission, you must submit a completed*

"Real Estate Course Approval Application".

2. Interview with a representative of the Council, the purpose of which is to assess the communication skills and knowledge level on a face-to-face basis.

3. Attend 100% of the course as taught by a certified instructor. (Rev. 2/06)

4. Instructor exam: must successfully complete the final course exam with a minimum score of 80%. If not successful on the first attempt, a retake may be taken. (Rev 5/06)

5. Attend a full "Instructor Development Workshop" sponsored by the Council or possess other acceptable teaching experience and/or education in method of teaching adults. (Rev 4/98)

6. Serve at least one student teaching period (e.g. assistant teaching assignment) teaching at least 25% of the course. (Rev 2/06)

7. Receive favorable evaluations from students in the class and favorable a recommendation from the senior instructor.

8. Receive final approval from the Council.

It is strongly recommended that all certified instructors attend each annual Instructor Development Workshop. (Rev. 2/99)

Cellular phones and pagers are not to be used during class time. Both students and instructors must turn off or change to silent mode all cellular phones and pagers while the class is in session. (Rev. 2/01)

Instructor qualifications for the Commission Core continuing education course and for the Business Conduct and Office Operations course:

Commission Core course: Applicant should have at least 5 years active real estate experience, attend a full "Instructor Development Workshop" sponsored by the Council or other similar workshop approved by the Council, attend a live Commission Core continuing education course and successfully complete the final course exam with a minimum score of 80%. (Rev 6/06)

Business Conduct and Office Operations (BCOO) course: Applicant should have at least 5 years active real estate experience, be an active licensed broker, attend a full "Instructor Development Workshop" sponsored by the Council or other similar workshop approved by the Council, attend a live BCOO course and successfully complete the final course exam with a minimum score of 80%. (Rev. 606)

Continuing Education Elective Courses: A certified provider may offer a continuing education elective course without obtaining Commission approval or certification for the instructor as provided in section 54-2027 (6), Idaho Code.

54-2034. SPECIAL CONSIDERATION-DISCRETION OF THE COMMISSION.

The Commission may, in its discretion, make such additional investigation and inquiry relative to the applicant for instructor certification as it shall deem advisable, and if other good cause exists, may deny or accept the application for certification. Based upon an applicant's educational background, experience in related activities, or a review of the applicant's evaluations as an assistant teacher, the Commission may modify the requirements for instructor certification; such modification may include reducing the requirements or assigning additional requirements for certification.

54-2035. TERM OF INSTRUCTOR CERTIFICATION AND RENEWAL.

(1) Certification. Each instructor certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the instructor certificate.

(2) Recertification.

(a) In order to be recertified, each instructor shall:

(i) Return a properly completed recertification application on a form provided by the Commission, along with all necessary attachments and fees, to the Commission office prior to the expiration date for Commission approval;

(ii) Have adequately taught or assistant taught, during the preceding two (2) years, at least twenty (20) hours of each course for which recertification is sought. The adequacy of instructor teaching performance shall be determined by the Commission based upon any or all of the following:

1. Evaluations received from students;

Each instructor is required to maintain at least an annual average of 4.0 (based upon a 1-5 scale) on the standard Commission evaluations for the instructor's overall average category for each course they are certified to teach. (Rev -1/98)

2. Direct observation of the instructor's performance by a Commission representative; or

A sample of a course offering observed at the point of delivery by a Council representative shall reflect:

- a. comprehensive and current real estate knowledge as a basis for real estate practice at the applicable sales associate's or broker's level; and,*
- b. precourse preparation and effective teaching methods.*

Each course must provide well organized up-to-date course outlines and reference materials.

Telephone surveys and follow-up surveys should provide evidence of educational benefits to students. Noncompliance in any of the above mentioned policy guidelines will be further examined by utilizing telephone and written surveys and communication with the instructor.

3. Review of the outline and reference materials provided for the course; and

(iii) Have attended a Commission-sponsored instructor development seminar or received other acceptable training in methods of teaching adults during the preceding two (2) years.

(b) Recertification shall not be effective until the Commission formally approves the application for renewal. An instructor's failure to obtain approved recertification prior to the expiration of the certification will result in no credit being given for any course taught by the instructor whose certification has, expired prior to conclusion of the course.

"Excellence in Education" award - Designed to highlight instructor excellence in teaching. In determining a recipient, the Education Council and Commission follow these general guidelines:

- 1. willingness to help others*
- 2. course evaluations/ regard of the instructor by former students*
- 3. number & nature of professional complaints about the instructor*
- 4. innovation in teaching techniques & course development*
- 5. participation in course development*
- 6. willingness to learn/coachable/teachable*
- 7. professional teaching designations earned*
- 8. involvement in state/national teaching-educational organizations (i.e. IDS. REEA)*
- 9. up-to-date on current teaching method, /anthology*
- 10. what they've contributed to real estate education in Idaho*

11. *has mastered & effectively utilizes GAPE (Generally Accepted Principles of Education by REEA) in the classroom:*

(Knowledge, Anthology, Speech, Teaching Aids, Learning Environment)

The award itself is typically a plaque presented at the Commission's annual Education workshop, along with mention in The Real Estate and Education Newsletter.

54-2036. CERTIFICATION OF COURSES AND COURSE CONTENT.

Every real estate course offered for prelicense or continuing education credit for an Idaho real estate license shall first be certified and accredited by the Idaho Real Estate Commission.

(1) An application for course certification must be submitted in the form and manner required by the Commission, with proper fees, at least two (2) months prior to contemplated date of the first course offering.

(2) Minimum requirements for course certification:

(a) Each course must be certified individually, offered only through a provider certified or approved in Idaho, and taught by an instructor certified or approved in Idaho in accordance with this chapter.

(b) Each prelicense course must contain at least twenty (20) classroom hours, and each continuing education course must contain at least two (2) classroom hours.

(c) Exam time shall not be included as approved classroom hours of instruction.

(d) A classroom hour is defined as a period of at least fifty (50) minutes of actual instruction.

Policy Product Promotion or Recruitment Activities

(12/14/2005)

Purposes:

1. *To ensure education classes remain instructional and professional*
2. *To prohibit use of instructional time for recruitment*
3. *To prohibit use of instructional time to product promotion*
4. *To address students' desire for information about employment opportunities*

Recruitment Activities Policy

No instructor shall use class time to induce or promote student employment, affiliation or membership with any particular real estate licensee, real estate organization, franchise or network. "Promote" includes the making of introductory remarks about a licensee, organization, franchise or the naming of such in examples (unless a reported court case).

Permissible Promotion and Recruitment Activities:

Must clearly be designated as "recruitment" and must clearly be optional;

Must be clear that IREC does not favor or embrace one brokerage over any other;

Must be conducted outside of instructional hour (e.g., not during classroom or "credited" time).

If conducted during the instructional day, must occur before or after class, or during lunch break. If during a break, it must be clear that students are free to leave. Schools may organize a "recruitment session" outside of the regularly-scheduled class. Student attendance at such session must be optional.

A firm's or organization's informational brochures are permitted but must be made available outside of the instructional hours, and to the extent permitted by the physical space, outside of the classroom (e.g., lobby or reception area). Firm brochures must not be included within instructional materials. (This restriction does not apply to a brokerage firm's "in house" educational activities, except to the extent that credited classroom time may not be used to promote the firm.)

Product Promotion Policy

Sponsors and instructors may make available for purchase materials that belong to the sponsor, instructor, or some other party on a limited basis. Sponsors and instructors shall not present a course for the main purpose of selling products and shall limit the announcement of products during the course. It is the Commission's intent that product promotion does not interfere with the presentation of the approved course material and the course is presented completely as it was approved.

(e) Distance learning courses. The design and delivery of each distance learning course shall be certified by the National Association of Real Estate License Law Officials or by another institution whose certification standards are deemed equivalent by the Commission. The credit hours for a certified distance learning course shall be based upon the same number of hours which would be credited for an equivalent live course, and must include a Commission-approved, final exam.

(f) Each prelicense course must include a Commission-approved final exam requiring a minimum passing score of seventy percent (70%).

(g) Continuing education course exam.

(i) A licensee may receive continuing education course credit without having to take or pass an exam if the licensee personally attends the entire live presentation of an approved course.

(ii) The Commission may substitute all or a portion of the continuing education coursework required when a licensee shows evidence of passing a Commission-approved challenge exam.

Continuing education challenge exams require a minimum of 5 questions per hour of course time. (Eff. 2/03)

Continuing education challenge exams are offered only for Commission-developed courses. (Eff. 4/03)

(h) Exam retake policy. Each certified course provider may, at its option, allow students who complete a course and then fail the course exam one (1) opportunity to retake the approved course exam within the following time periods:

(i) Prelicense course exam retakes must occur within one (1) month of the original course exam;

(ii) Continuing education course challenge exam retakes must occur within that course's certification period;

(iii) If the student fails the retake exam for any prelicense or continuing education course, the student must repeat the entire course and pass the final exam to receive credit.

(iv) A course provider shall not permit a student who takes and fails a challenge exam to retake the exam. A student who fails a challenge exam must take the entire course and pass the final exam to receive credit for the course.

With respect to challenge exams, a student who fails a challenge exam must take the entire course and pass the final exam to receive credit. Retaking the challenge exam is not an option.

(i) Challenge exams. Except where the Prelicense requirements have been waived or modified by the Commission pursuant to section 54-2002 (6), Idaho Code, a student shall not earn credit for any prelicense course by challenging and passing the course exam without otherwise completing all course requirements.

An "approved entity," also known as an "exam proctor," is defined as: a person who is certified to teach the coinciding course; or, a person who is unlicensed and working at a certified real estate school and who has been approved by the Commission as a proctor; or, an unlicensed person who is working at a public library or public school and has been approved by the Commission as a proctor; or, a licensed person who is not certified to teach the course, but who has taken and passed the coinciding exam and has been approved by the Commission as a proctor. Please check with the Commission for any questions regarding exam proctors.

(3) Approved topics. The Commission shall establish specific, approved topics for course content for prelicense courses and continuing education courses as it deems appropriate to current real estate practices and laws (see Rule 402).

54-2037. TERM OF COURSE CERTIFICATION AND RENEWAL.

Each course certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the course certificate. In order to maintain certification a course provider, for each course, must return a properly completed renewal application on a form provided by the Commission, along with all necessary attachments and renewal fees to the Commission office prior to the expiration date and within sufficient time for Commission review and approval. Recertification is not effective until the Commission has formally approved the application for renewal. Failure to obtain approved renewal of certification prior to its expiration date will result in no credit being given for a course if its certification has expired prior to conclusion of the course.

RULES OF PRACTICE & PROCEDURE OF IREC (IDAPA 33.01.02)

Title 01, Chapter 02, Rules of Practice and Procedure of the Idaho Real Estate Commission, were properly promulgated and adopted by the Commission and made effective on July 1, 1993, and amended August 15, 2002. These rules are generally applicable to both contested case and rulemaking proceedings before the Idaho Real Estate Commission as governed by Title 52, Chapter 67, Idaho Code.

Copies of these Rules of Practice and Procedure are available upon request from the Commission Office at 633 N. 4th, Boise, Idaho. Mailing address: P.O. Box 83720, Boise, Idaho 83720-0077. Copies of these rules may also be obtained through the

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